

November 3, 2008

The Honorable Andre M. Davis
United States District Court for the District of Maryland
United States Courthouse
101 West Lombard Street
Baltimore, MD 21201

Re: United States v. Willie Mitchell
Criminal No. AMD-04-029

Dear Judge Davis:

It is anticipated that the Government will be calling Rodney Hayes to testify tomorrow. Among other things, counsel for Mr. Mitchell believe that Mr. Hayes will testify that he observed a letter written by Mr. Mitchell to Shelton Harris with instructions for Mr. Harris to kill Claudis Lassiter. The letter was sent to Mark Herbert who was to transmit the letter to Mr. Harris. According to Mr. Hayes, Mr. Herbert opened the letter in Mr. Hayes' presence at which time Hayes observed that the letter was a request from Mr. Mitchell to Mr. Harris to kill Mr. Lassiter.¹

Though the Government has established that Mr. Lassiter was a close friend of the Whyche brothers, no motive for this purported solicitation has been offered into evidence. Given that lack of foundation, or other connection to the allegations in the indictment, Mr. Mitchell objects to the admission of this evidence. Its introduction is barred by Fed. R. Evid. 401, 403 and 404(b).

Thank you for your attention to this matter.

Sincerely,

Michael E. Lawlor

¹ According to Mr. Hebert, he did not open the letter and instead gave it directly to Mr. Harris.

